

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

FILED

10/31/2019

Clerk, U.S. District Court  
District of Montana  
Helena Division

AVENUE C APARTMENTS, LLC, a  
Montana limited liability company,

Plaintiff,

vs.

THE CINCINNATI INSURANCE  
COMPANY, a corporation; and JOHN  
DOES 1-10,

Defendants.

CV-19-37-BLG-SPW-TJC

**CERTIFICATION OF  
CONSTITUTIONAL  
CHALLENGE**

Plaintiff Avenue C Apartments, LLC, filed Notice of Constitutional Challenge to Mont. Code Ann. § 33-18-242(3) on June 6, 2019. (Doc. 15.) Pursuant to Fed. R. Civ. P. 5.1 and 28 U.S.C. § 2403(b), this Court hereby certifies to the Attorney General of the State of Montana that Plaintiff has questioned the constitutionality of Mont. Code Ann. § 33-18-242(3). Specifically, the Plaintiff contends that the statute's bar of an insured's right to bring an action for bad faith against an insurer in connection with the handling of an insurance claim, while permitting a third-party to bring such a claim, violates the equal protection clause of Montana's Constitution.

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The Clerk of Court is directed to serve a copy of this certification upon the  
Attorney General of the State of Montana:

Office of Attorney General  
Justice Building, Third Floor  
215 N. Sanders  
P.O. Box 201401  
Helena, Mont. 59620-1401

DATED this 31st day of October, 2019.

  
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TIMOTHY J. CAVAN  
United States Magistrate Judge